

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA
MONROE DIVISION**

UNITED STATES OF AMERICA	*	CRIMINAL NO. 3:18-CR-00085-04
VERSUS	*	JUDGE TERRY A. DOUGHTY
QUINTAIL CREDIT	*	MAG. JUDGE KAREN L. HAYES

MEMORANDUM ORDER

Pending before the Court is the Motion to Vacate Guilty Plea, Dismiss Indictment, and Abate Action for Defendant Quintail Credit (“Credit”) [Doc. No. 147].

Credit entered a guilty plea in these proceedings on February 6, 2019, [Doc. No. 138], and his sentencing was set for May 17, 2019. Unfortunately, Credit died after being shot multiple times on February 20, 2019 [see Death Certificate, Doc. No. 148].

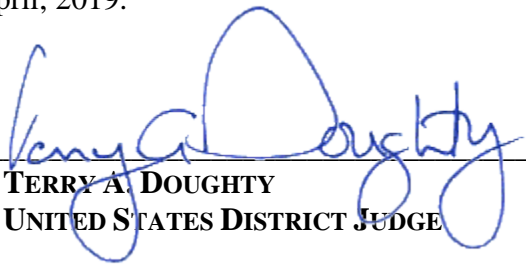
Credit’s counsel filed the pending motion seeking to vacate Credit’s guilty plea, to dismiss the indictment against him, and to abate this action only as it applies to him.

Credit died before sentencing, before a final judgment could be entered, and before a notice of appeal could be filed. “Under the firmly established rule in this circuit, the death of a defendant pending conclusion of the direct criminal appeal abates, *ab initio*, not only the appeal, but the entire criminal proceeding.” *United States v. Schuster*, 778 F.2d 1132, 1133 (5th Cir. 1985). “[T]he Fifth Circuit has plainly stated that the rule of abatement applies equally to cases in which a defendant, such as [Lay], dies prior to the entry of judgment.” *United States v. Lay*, 456 F.Supp.2d 869, 874 (S.D. Tex 2006). Accordingly,

IT IS ORDERED that Defendant Quintail Credit’s plea of guilty to Count 4 of the indictment is **VACATED**, the indictment against Quintail Credit is **DISMISSED**, and the action

is hereby **ABATED** only as to Quintail Credit.

MONROE, LOUISIANA, this 8th day of April, 2019.



TERRY A. DOUGHTY
UNITED STATES DISTRICT JUDGE